

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:
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Gawker Media LLC et al.,	:
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Debtors.	:
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Chapter 11
Case No. 16-11700 (SMB)

**DECLARATION OF SHANE B. VOGT IN OPPOSITION TO
MOTION OF THE DEBTORS FOR LEAVE PURSUANT TO RULE 2004 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE TO CONDUCT DISCOVERY
CONCERNING POTENTIAL PLAN ISSUES AND POTENTIAL CAUSES OF ACTION,
AND TO ESTABLISH DISCOVERY RESPONSE AND DISPUTE PROCEDURES**

I, SHANE B. VOGT, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney with the law firm of Bajo Cuva Cohen Turkel, P.A. I am admitted *pro hac vice* to practice before this Court. I submit this Declaration in support of Defendant Terry G. Bollea's Opposition to Motion of Debtors for Leave Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure to Conduct Discovery Concerning Potential Plan Issues and Potential Causes of Action, and to Establish Discover Response and Dispute Procedures.

2. In October 2012, one of the Debtors – Gawker Media LLC (“Gawker Media”) – Nick Denton and Albert J. Daulerio each participated in posting on Gawker.com excerpts from secretly and illegally recorded video footage of Mr. Bollea engaging in sexual activity in a private bedroom. Then, they refused Mr. Bollea's pleas to remove the video. With no other recourse to protect his privacy, on October 15, 2012, Mr. Bollea sued Gawker Media, Mr.

Denton, Mr. Daulerio, and a number of other defendants in Florida under the caption *Bollea v. Gawker Media, LLC, et al.*, No. 12012447-CI-011 (Fla. 6th Jud. Cir., Pinellas Cty.) (the “Bollea Litigation”).

3. Mr. Bollea’s action against Gawker Media and Messrs. Denton and Daulerio proceeded to a jury trial on five claims: (1) publication of private facts; (2) invasion of privacy based on intrusion; (3) violation of Florida’s common law right of publicity; (4) intentional infliction of emotional distress; and (5) violation of Florida’s Security of Communications Act.

4. On March 18, 2016, the jury returned a verdict for Mr. Bollea on all five counts and awarded him \$115 million in compensatory damages jointly and severally against Gawker Media and Messrs. Denton and Daulerio (collectively, with Debtor, the “Judgment Debtors”). The Jury also found that punitive damages were warranted.

5. On March 21, 2016, the jury awarded Mr. Bollea an additional \$25 million in punitive damages divided as follows: \$15 million against Debtor, \$10 million against Mr. Denton, and \$100,000 against Mr. Daulerio. The jury awarded a fraction of the compensatory damages award in punitive damages based on Judgment Debtors’ respective net worth.

6. Attached as Exhibit A is a true and correct copy of the October 5, 2012 Letter from David Houston to Nick Denton.

7. Attached as Exhibit B is a true and correct copy of the October 5, 2012 Email from David Houston to Nick Denton.

8. Attached as Exhibit C is a true and correct copy of the October 9, 2012 Email from Cameron Stracher to David Houston.

9. Attached as Exhibit D is a true and correct copy of the March 18, 2016 Transcript from the Bollea Litigation (“March 18, 2016 Trial Tr.”).

10. Attached as Exhibit E is a true and correct copy of the verdict form from the Bollea Litigation (the “Verdict Form”).

11. Attached as Exhibit F is a true and correct copy of the Final Judgment in the Bollea Litigation (the “Final Judgment”).

12. Attached as Exhibit G is a true and correct copy of the March 21, 2016 punitive damages verdict sheet from the Bollea Litigation (the “Punitive Damages Verdict Form”).

13. Attached as Exhibit H is a true and correct copy of the Permanent Injunction in the Bollea Litigation (the “Permanent Injunction”).

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 18, 2017

s/ Shane B. Vogt
Shane B. Vogt

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